IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.5298 OF 2006
IN
FIRST APPEAL NO.87 OF 2007

Maharashtra State Road Transport Corporation ...Applicant

vs.

Bharat Manik Pawar ...Respondent

Mr.C.M.Lokesh i/b M/s.G.S.Hegde & Assocaites for the Applicant
Ms Seema Sarnaik for the Respondent.

CORAM: A.S.OKA,J.
DATE : JANUARY 23,2007.

P.C.:

1. Rule. Respondent waives service. Taken up for hearing forthwith. This is a case where there is an amputation of right leg of the Respondent below the knee. The dispute is as regards the percentage of the disability. The entire decretal amount due and payable under the impugned Judgment and Award has already been deposited with the Trial Court.

2. Considering the facts and circumstances of the case, Civil Application is disposed of by passing the following order :

i) The learned Commissioner for Workmen's Compensation will permit the Respondent to withdraw a sum of Rs.1,50,000/- without any security subject to giving an undertaking before the Commissioner that the Respondent will bring back the amount with appropriate rate of interest thereon in case the

Appellant succeeds in the Appeal.

ii) The balance amount deposited by the Applicant will be permitted to be withdrawn by the Respondent on furnishing adequate security for the said amount. The Applicant will be heard before accepting the security.

iii) If the Respondent fails to furnish adequate security within a period of six months from today, the learned Commissioner for the Workmen’s Compensation will invest the balance amount in fixed deposit in any nationalised bank initially for a period of three years and thereafter the fixed deposit shall be renewed from time to time till the disposal of the Appeal.

JUDGE